

**MONTANA STATE BOARD OF NURSING
MEETING MINUTES – FULL BOARD
APRIL 24 & 25, 2002**

ATTENDANCE:

MEMBERS PRESENT:

Jack Burke RN President
Kim Powell RN
Gretchen McNeely, RN
Rita Harding RN
Sharon Dschaak LPN Secretary
Vickie Badgley LPN
Jeanine Thomas LPN
Steve Rice, Public Member
Lorena Erickson, Public Member

STAFF PRESENT:

Barbara Swehla, RN, Executive Director
Jill Caldwell RN, Nursing Practice Manager (present intermittently)
Darcee Moe, Legal Counsel
Lori Ballinger, Department Counsel (present intermittently)

Other visitors and guests were present at various times throughout the meeting. Sign in sheets are kept on file.

CONVENE:

The Board of Nursing convened at 1:35 p.m., April 24, 2002 in the Federal Building, fourth floor conference room, 301 South Park, Helena Montana.

CALL TO ORDER:

The meeting was called to order by President, Jack Burke, RN, at 1:35 p.m.

QUORUM:

President, Jack Burke, RN Member, declared a quorum present.

**ADOPTION OF
AGENDA, MINUTES:**

The agenda for the April 24 & 25, 2002 Board of Nursing meeting was reviewed and adopted by unanimous vote.

Full board minutes from January 2002 were approved as amended by a unanimous vote with no abstentions or recusals.

**MAIL BALLOT
REPORTS**

Prescriptive Authority: mail ballot report was approved by unanimous vote with no abstentions or recusals.

REPORTS

No President's report was submitted.
Executive Director's report was reviewed without comment.

Budget report was provided verbally by Lisa Addington, Bureau Chief. A full report will be provided to the board at the July 2002 meeting when all of the necessary information will be available. The Executive Director discussed the Oracle Database development funds were changed to the board (\$57,000) as a result of responding to a Legislative Audit Report and Recommendation. The expected changes in recharges will be presented in July.

Nurses' Assistance Program report was reviewed: NAP consultant, Carol Sem, was present and entertained questions. Trends were discussed.

**SCREENING PANEL
RECOMMENDATIONS:**

**UNLICENSED
PRACTICE REPORT**

SUSAN COX – UNLICENSED PRACTICE

Jeanine Thomas, LPN Member, made a motion to “recommend issuing a Cease and Desist Order to Ms. Cox to stop administering medications and giving injections which are nursing functions.” The motion passed unanimously.

BARBARA LARSEN – UNLICENSED PRACTICE

Steve Rice, Public Member, made a motion to “recommend sending a Cease and Desist Order to Ms. Larsen instructing her not to claim her revoked nursing credentials in any form or format until and unless her license status be returned to her by the Board.” The motion passed unanimously.

EXECUTIVE SESSION:

President Jack Burke, RN requested an Executive Session at 2:00 p.m. to discuss matters in which the individual’s right to privacy exceeds the public’s right to know.

**RETURN TO REGULAR
SESSION:**

The Board returned to regular session at 3:44 p.m.

Report from Vickie Badgley, LPN Member, of the Annual FARB Meeting (FARB – Federation of Associations of Regulatory Boards:

Ms. Badgley provided a verbal summary of the workshop and briefly discussed the book from FARB on board member ethics. The board requested that this book serve as a guide to discussion at any upcoming board retreats/education seminars.

Request for Reinstatement: Bill Stewart, RN 23013

Kim Powell, RN Member, moved to “reinstatement the RN license of Bill C. Stewart with the provision that he be on the disciplinary track of NAP.” The motion was seconded and passed unanimously with no abstentions or recusals.

Request for Reinstatement: Cheri Asay, RN 19257

Kim Powell, RN Member, moved to “grant reinstatement of a probationary license pending successful completion of the NCLEX exam. Probationary status shall remain in force for a period of 3 years. During this probationary period the licensee will be required to submit progress reports from her psychiatrist and employer.” The motion was seconded and passed unanimously with no abstentions or recusals.

**RECOMMENDATIONS
FROM NURSING
PRACTICE AND
CREDENTIALS
COMMITTEE:**

Application: Linda Heater

Kim Powell, RN Member moved to “recommend to the full board to license Linda Heater.” The motion passed unanimously with Sharon Dschaak, LPN Member abstaining from the vote and with no recusals.

LPNs and Microdermabrasion

Motion: “within the scope of LPN under direct, on-site supervision to perform microdermabrasion with appropriate training and continued competency.” The motion came from Committee and passed unanimously with no recusals or abstentions.

LPNs and Intravenous Therapy

Motion: “recommend to the full board changes made in the Standards relating to the LPN Role in Intravenous (IV) Therapy – 8.32.1408, 8.32.1409.” The motion came from Committee

and passed unanimously as amended with no recusals or abstentions.

The amendment was in 8.32.1408 (4) (f) to state “mix medication solution from a unit dose vial, except potassium, and add to IV solution or volutrol.” Rationale: this amendment was accepted due to the increased potential for patient harm related to addition of potassium to base solution when not pre-mixed and labeled by the pharmacy or when the solution already contains potassium when purchased.

Advanced Practice Rules Subcommittee: Proposed Rules Revisions

Motion: “accept the amended rules changes from 8.32.301 through 8.32.1510.” The motion came from Committee and passed unanimously as amended with no recusals or abstentions.

Ms. Powell summarized the proposed change process and involved parties. APRN Scope was discussed in general and the resulting documents from this group delineating titles, certification bodies, age specifications and general statements regarding scope.

Allergy Technicians

Rita Harding, RN Member, summarized discussion in the Practice and Credentials Committee about unlicensed individuals performing allergy testing (intradermal injections of allergens) in allergy clinics.

Since the discussion of unlicensed individuals involves day care settings, assisted living, other care settings and physician office practices, Barbara Swehla, Executive Director, suggested that proposed legislation involving medication assistants be drafted prior to the July 2002 board meeting.

At that time, the board can determine the role of unlicensed providers in the administration of medications. Such legislation may be necessary for the Board to have jurisdiction over the education/credentials, scope, and discipline of non-nurses wishing to administer medications.

NCSBN Epidemiology of Nursing Error Study

Kim Powell, RN Member, moved to “agree to participate in the Phase 1 NCSBN Epidemiology of Nursing Error study”. The motion passed unanimously as amended with no recusals or abstentions.

GENERAL DISCUSSION ITEMS:

NCSBN (National Council for State Boards of Nursing) Annual Delegate Assembly and Business Meeting:

Barbara Swehla, Executive Director, had provided information in the board books related to the meeting in Long Beach, CA. Additionally, plans for the 2003 Fiscal Year for Out of State Travel were discussed. Vickie Badgley, LPN Member, moved to “send 2 persons to the NCSBN Annual meeting August 2002 – preferably the E.D. and President if available”. The motion was seconded and passed unanimously with no abstentions or recusals.

Board Council Attendance at November 2002 FARB (Federation of Associations of Regulatory Boards) Attorney Certification Seminar:

Barbara Swehla, Executive Director, provided information related to the annual seminar as a valuable orientation tool for regulatory and administrative law. Since Board Counsel, Darcee Moe, is new to this area of law, this seminar was proposed as an option. Vickie Badgley, LPN Member, made a motion to “move to send Darcee Moe to FARB Attorney Certification Seminar 11/02 with prorated funds to support expenses”. The motion was seconded and passed unanimously with no abstentions or recusals.

Fees for Endorsement Applications – Expected Loss of Revenue from Verifications due to Participation with NURSYS:

Barbara Swehla, Executive Director, provided information regarding the fiscal impact of involvement in NURSYS by not being able to charge \$25 for each verification, yet the board staff spends considerable time verifying licenses for endorsement candidates coming to Montana. In light of the recent fee increases, the board will consider the potential increase in the endorsement fee from \$70.00 to \$100 in the spring of 2003 rather than at this time.

Two Year Renewal Cycles

Kim Powell, RN Member, moved to “change the license renewal period to every other year beginning November 1st, 2002. The license renewal fee will be twice the annual renewal fee”. The motion was seconded and passed unanimously with no abstentions or recusals.

Rationale: In the 2001 Legislature, language was passed to allow the board to consider every other year renewals. This change is being made at the request of licensees and is consistent with the Board’s decision to create more efficient processes and improved customer service while retaining appropriate licensure controls and public protection.

ADJOURNMENT

Some of the agenda items in the General Discussion section will be postponed until 4/25/2002. The board adjourned at 5:20 p.m.

**FULL BOARD
RECONVENES**

The full board reconvened at 9:45 a.m. Jack Burke, RN, President declared a quorum present.

**NURSING EDUCATION
COMMITTEE REPORT**

Gretchen McNeely, RN, gave a report on the Education Committee. The following motions come by recommendation of the Education Committee.

NCLEX Pass Rates: MSU Northern

The motion from committee: “Send a noticed letter to MSU-Northern because their passing rate for 1st time testers has fallen more than 10% below the national average on NCLEX-RN during the calendar year 2001.” The motion was approved unanimously with no abstentions or recusals.

Dean Goudie was present to discuss measures already taken to address the issue and urged the board to allow time for results of those changes and requested that the letter not be sent. However the board determined that a letter was necessary but that it would include acknowledgement of the efforts already being instituted and that a response from the program would be welcome.

NCLEX Education Plan: MSU Northern Graduate :

The committee reviewed the plan submitted by the MSU Northern applicant, Melissa Taylor, who has failed NCLEX two times and needs an approved education plan to sit for a third time.

Motion: “accept the self plan of study for preparation for NCLEX-RN for Melissa Taylor dated February 25, 2002 and authorization to sit for NCLEX-RN the 4th time after verification of completion of education plan”. The motion came from Committee and was passed unanimously by the full board with no abstentions from the vote or recusals.

NCLEX Education Plan: MSU Northern Graduate :

The committee reviewed the plan submitted by the MSU Northern applicant, Tara Benson, who has failed NCLEX two times and needs an approved education plan to sit for a third time.

Motion: “do not accept the education plan for Tara Benson. Direct the Executive Director of MSBON to request additional information on a specific plan of education for preparation to sit for NCLEX-RN”. The motion came from Committee and was passed unanimously by the full board with no abstentions from the vote or recusals.

Faculty Qualifications and Special Reports:

MSU Bozeman Curriculum Changes:

Motion: “accept curriculum changes for the BSN program Montana State University Bozeman College of Nursing dated April 2002.” The motion came from Committee and was passed unanimously by the full board with no abstentions from the vote or recusals.

MSU Bozeman Special Report/Flathead Expansion:

Motion: “accept the request for expansion of the upper division (Jr. & Senior level) at MSU Bozeman College of Nursing Missoula Campus to the Flathead Valley beginning January 2003.” The motion came from Committee and was passed unanimously by the full board with no abstentions from the vote or recusals.

Miles Community College – Sociology Integration Follow Up Letter:

Motion: “accept the report from Kathy Wankel, MCC dated March 25, 2002 explaining how sociology content will be integrated in the nursing courses.” The motion came from Committee and was passed unanimously by the full board with no abstentions from the vote or recusals.

MSU-Northern Letter of Intent:

Motion: “accept the letter of intent from MSU-Northern College of Nursing regarding expansion to a 3rd clinical section at the Havre campus.” The motion came from Committee and was passed unanimously by the full board with no abstentions or recusals.

Dean Goudie was present to provide some explanations. More information will be presented to the board at the July 2002 meeting.

Salish-Kootenai College:

Motion: “accept the minor changes in the nursing curriculum for Salish Kootenai College dated March 29, 2002. These changes have been made and were implemented in Fall of 2001.” The motion came from Committee and was passed unanimously by the full board with no abstentions from the vote or recusals.

Butte – Montana Tech of the University of Montana:

Motion: “accept the letter of intent from Butte-UM Montana Tech for the proposal of curriculum changes to the LPN and Associate Degree RN programs. The motion came from committee and was passed unanimously by the full board with no abstentions from the vote or recusals.

UM Missoula COT:

Motion: “accept Missoula College of Technology letter of intent regarding proposed program changes from AAS degree back to LPN certificate.” The motion came from Committee and was passed unanimously by the full board with no abstentions from the vote or recusals.

Motion: “accept the letter of intent of University of Montana College of Technology Missoula for the LPN to Associate of Science RN degree program *(New RN program from the COT – Letter dated March 29, 2002.” The motion came from Committee and was passed unanimously by the full board with no abstentions from the vote or recusals.

PREScriptive AUTHORITY COMMITTEE REPORT:

Kim Powell, RN Member, gave the Prescriptive Authority Committee report. The following motions came from committee:

Denise Lowry FNP

Motion: “approve prescriptive authority for Denise Lowry.” The motion came from Committee and passed unanimously with no recusals or abstentions.

APRN Scope Rules

Motion: “accept and notice draft rules to form an advanced practice committee in place of prescriptive authority committee.” The motion came from Committee and passed unanimously with no recusals or abstentions.

CRNA AND CMS “OPT OUT” PROVISION

Jean Branscum, Health Policy Advisor to the Governor, Jeff Hindoien, Chief Legal Counsel for the Governor, Wendy Keating, Labor Commissioner, and Maggie Bullock, DPHHS were present to hear the basis of the Board of Nursing’s position on the CRNA (Certified Registered Nurse Anesthetist) Opt Out ruling from CMS (Center for Medicare and Medicaid Services).

The board answered questions posed by Jean Branscum and the other representatives for the Governor’s Office, and the board further explained their position in support of the Opt Out. Ms. Branscum thanked the board for the opportunity to hear their concerns and related issues and told the board that the Governor’s Office will follow up at a later date.

OPEN FORUM:

Susan Good, lobbyist for the Montana Anesthesiology Society, presented the Society’s position on the CRNA Opt Out Provision in CMS regulations.

Sami Butler, Executive Director, Montana Nurses’ Association recognized the board members and staff for their support of nursing in Montana. She specifically acknowledged the dedication and commitment that Rita Harding has demonstrated and contributed for 8 years as a board member. This was Ms. Harding’s final board meeting and MNA expressed their appreciation for all she has done, particularly in the area of Practice and Credentials.

Legislation – Assisted Living – Medication Aides

Barbara Swehla, Executive Director, discussed the four proposed legislative items. Lisa Addington, Bureau Chief, Health Care Licensing Bureau, described the approval process at the Department of Labor and Industry. The first three items on the list below were approved by the Department. The Board may have to determine the best alternative to deal with the fourth item on Medication Assistants.

- 1) Increase of number of board members to 11 (both to be RN members is being requested).
Rationale: The representation of RNs on the board is not sufficient to meet the demands of Panels and Committees, and is not representative of the licensee numbers in Montana – 11,000 RNs, 3,000 LPNs)
- 2) To remove “for compensation” from the definitions of the practice of nursing.
- 3) Unlicensed Practice – Definitions and Qualifications
- 4) Assisted Living and Other Settings for Medication Assistants

Assessment of Board Work

Lisa Addington, Bureau Chief, was present for a brief time at the request of board members. Discussion centered around providing positive feedback to the board staff for the good work they are doing and for assisting the board in achieving the established goals.

Newsletter – Davis Publishing Proposal

Barbara Swehla, Executive Director, presented a proposal by Arthur Davis Publishing and the North Dakota Board of Nursing to consider a joint newsletter that would be entirely free (publication and postage) to both boards. The board determined that differences in the laws and rules in both states might create some confusion in articles or new rules presented in the newsletter.

The board chose to maintain the current newsletter but to consider an on-line publication only with hard copy newsletters only to those who request a hard copy. No further decision was made at this time.

Letter from Pharmacy Board Regarding Pain Management

The board discussed the letter and would like to have a memorandum of understanding similar to the one issued by the Board of Nursing, Board of Pharmacy, and Board of Medical Examiners regarding dispensing medications in emergency departments in the absence of a pharmacist.

The role of the pharmacist evaluation of the patient was unclear and requires follow up by the Board of Nursing staff. The board would like to see the final letter prior to agreeing to have the Executive Director sign the document. The issue will be addressed at the July 2002 meeting following the decisions by the pharmacy and medical boards.

AGENDA ITEMS DEFERRED TO JULY 2002 MEETING

NCSBN Draft Disaster Preparedness Template

Report on NCSBN Midyear Meeting

Election of Officers (Rationale: one member must rotate off the board, three members are seeking reappointment, therefore the membership could conceivably change significantly depending upon the Governor's decisions about appointments. Due to that potential change, the current board members chose to delay election of officers to the July 2002 meeting when membership will be confirmed.)

2002 BOARD MEETING DATES: The following dates have been set for the Board of Nursing 2002 meetings:
July, 23,24,25,2002
October, 8,9,10, 2002

The board staff will check meeting room availability and will bring possible conflicts to the next board meeting, which may require meeting date changes.

ADJOURNMENT: The meeting was adjourned at 1:25 p.m. at which time the board went into executive session.

Jack Burke RN MS President

Sharon Dschaak LPN Secretary